

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
NO. 3:06CR164-Whitney

FILED
CHARLOTTE, NC

OCT 19 2007

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA)

v.)

RONTREY ERIC DIGSBY)

MOTION UNDER SEAL

MOTION TO CONTINUE SENTENCING

Defendant, by and through undersigned counsel, moves this Honorable Court for an order continuing the sentencing of this defendant from the October 26, 2007 session of Court. In support of this Motion, the Defendant shows the following.

The Defendant has been providing substantial assistance to the FBI regarding numerous individuals involved in the Hidden Valley Kings gang in Charlotte, North Carolina. That assistance has resulted in numerous indictments and arrests, but one of the main targets has still not been arrested and some of those arrested may go to trial at which time this defendant will probably be called to testify. Undersigned counsel believes it is in this defendant's best interest for all of his assistance to be completed prior to sentencing so it can be fully represent to the Court and considered when the sentence is imposed.

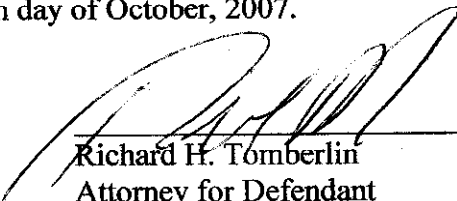
Kevin Zolot, the Assistant United States Attorney assigned to this case, joins in this motion and further requests the sentencing be continued to the latest possible date.

Because the defendant's assistance is ongoing, all the targets have not been arrested at this time, and knowledge of the defendant's assistance by investigation targets could expose him to personal danger, this motion is made under seal.

Undersigned Counsel was on secured leave from October 10, 2007 through October 17, 2007 and requests that be considered with respect to the timeliness of this motion.

WHEREFORE, based upon the foregoing, Defendant respectfully requests this Motion be order filed Under Seal and the Court enter an order continuing the sentencing in this matter from the October 26, 2007 session of Court.

Respectfully submitted this 19th day of October, 2007.



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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing by United States Mail, postage prepaid, on:

Mr. Kevin Zolot
Assistant United States Attorney
227 West Trade Street, Suite 1650
Charlotte, NC 28202

This the 19th day of October, 2007.



Richard H. Tomberlin